

02-20-07

C97C

Docket No: GI005324
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of: SEEHRA, et al.
Application No.: 10/075,079 Group Art No.: 1626
Filed: February 12, 2002 Examiner: SACKEY, Ebenezer O.
Patent No.: US 6,916,841
Issued: July 12, 2005
For: INHIBITORS OF PHOSPHOLIPASE ENZYMES
Confirmation No.: 7974
Customer Number: 25291

Attn: Certificate of Corrections Branch
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Date: February 16, 2007

REQUEST FOR ISSUANCE OF CERTIFICATE OF CORRECTION

Sir:

The issuance of a Certificate of Correction for the above-identified patent as set forth on the attached PTPL-1050 form is requested.

CERTIFICATE OF MAILING 37 CFR §1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV 238505865 US addressed to: Certificate of Corrections Branch, the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

February 14, 2007
Date

Lois M. Smith
Lois M. Smith

The following errors are not attributable to the patentees. Accordingly, correction is requested under 37 CFR § 1.322.

With reference to the proposed corrections to:

Patent No. US 6,916,841

Page 1, Item (22) - Delete "May 8, 2002", and insert --February 12, 2002--

Certificate
FEB 22 2007
of Correction

FEB 22 2007

Remarks

A Certificate of Correction is requested to correct the foregoing minor errors under 37 CFR § 1.322. Issuance of the Certificate of Correction is respectfully requested.

Applicants enclose a copy of the Official Filing Receipt showing the correct Filing Date, a copy of a Petition Pursuant to 37 C.F.R. 1.153 and 1.182, dated January 9, 2004 to correct the Filing Date, and a copy of a Decision on the Petition, dated November 8, 2004 from the Office of Petitions, all enclosed with a return postcard.

Respectfully submitted,



Michael J. Nesler
Attorney for Applicants
Reg. No. 55,489

Wyeth
Patent Law Department
Five Giralda Farms
Madison, NJ 07940
Tel. No. 617-665-6085

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

Page 1 of 1

PATENT NO. : US 6,916,841

APPLICATION NO.: 10/075,079

ISSUE DATE : July 12, 2005

INVENTOR(S) : Jasbir S. SEEHRA, Neelu KAILA, John C. McKEW, Frank LOVERING, Jean E. BEMIS, and
YiBin XIANG

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Page 1, item (22), delete "May 8, 2002", and insert --February 12, 2002--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

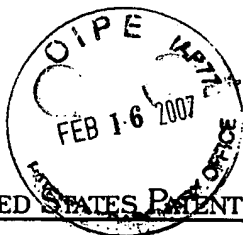
Five Giralda Farms
Madison, New Jersey 07940

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/075,079	02/12/2002	1626	2126	GI-5234 C1		97	1

Steven R. Eck
Five Giralda Farms
Madison, NJ 07940

CONFIRMATION NO. 7974

FILING RECEIPT



OC000000007935455

Date Mailed: 04/23/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Jasbir S. Seehra, Lexington, MA;
Neelu Kaila, Natick, MA;
John C. McKew, Arlington, MA;
Frank Lovering, Acton, MA;
Jean E. Bemis, Arlington, MA;
YiBin Xiang, Acton, MA;

RECEIVED
MAY 5 2002
J.M. MAZZARESE

Assignment For Published Patent Application

American Home Products Corporation, Madison, NJ;
Genetics Institute, Madison, NJ;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/677,006 09/29/2000 ABN
WHICH IS A CIP OF 09/256,413 02/24/1999 ABN
WHICH CLAIMS BENEFIT OF 60/100,426 02/25/1998

Foreign Applications

If Required, Foreign Filing License Granted 04/23/2002

Projected Publication Date: To Be Determined - pending completion of Omitted Items

Non-Publication Request: No

Early Publication Request: No

FEB 22 2007

APR 29 2002

Title

Inhibitors of phospholipase enzymes

Preliminary Class

548

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/075,079	02/12/2002	Jasbir S. Seehra	GI-5234 C1

CONFIRMATION NO. 7974

FORMALITIES LETTER



OC000000007935457

Steven R. Eck
Five Giralda Farms
Madison, NJ 07940

Date Mailed: 04/23/2002

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) **220** of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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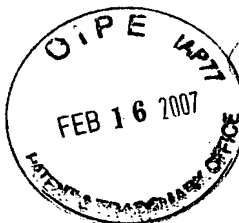
A copy of this notice MUST be returned with the reply.

Phuong Dai
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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COPY

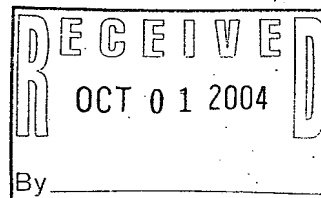
Docket No GI 005324 C1
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of: **SEEHRA et al.**
Application No.: **10/075,079** Group Art No.: **1626**
Filed: **February 12, 2002** Examiner: **Sonyan Wright**
For: **INHIBITORS OF PHOSPHOLIPASE ENZYMES**
Confirmation No.: **7974**
Customer Number: **25291**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

January 9, 2004



Sir:

PETITION PURSUANT TO 37 C.F.R. 1.153 AND 1.182

This is a Petition to change the May 8, 2002 filing date which the United States Patent and Trademark Office has granted to US Serial No. 10/075,079 to February 12, 2002.

The US Patent and Trademark Office records correctly show that Applicants filed the instant specification on February 12, 2002 with page 220 omitted, and the application was complete in every other respect. Page 220 was part of a dependent claim, and its omission did not result in the omission of any material subject matter. The US Patent and Trademark Office sent Applicants a Notice of Omitted Item(s) In A Nonprovisional Application ("the Notice") dated April 23, 2002, which Notice informed Applicants of the omission of page 220. A copy of the Notice is attached hereto.

CERTIFICATE OF MAILING 37 CFR §1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV 311410906 US addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date

January 12, 2004

Cecilia Chessell
Cecilia Chessell

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The Notice provided Applicants with three options:

- I. Provide evidence that the omitted item(s) was in fact deposited;
- II. supply the omitted item(s) and accept the date that such omitted item(s) was filed, along with a copy of the Notice, and a petition under 37 C.F.R. 1.182; or
- III. do neither I nor II and accept the application as deposited maintaining the original filing date.

The last paragraph of the Notice required an Applicant electing Option III to amend the application to cure any partial sentences caused by the omission.

Applicants wanted to keep the February 12, 2002 filing date and elected to use Option III. Applicants did not send a copy of the Notice, a petition, and the omitted page to the US Patent and Trademark Office. In accordance with the language of the Notice, Applicants constructively elected Option III by not performing the acts necessary for Options I or II.

Also in accordance with the language of the Notice relating to Option III, Applicants corrected the incomplete sentence of claim 7 by a Preliminary Amendment filed May 8, 2002. Applicants' amendment to add the missing portion of claim 7 was properly based on the disclosure of the specification as originally filed on February 12, 2002. The US Patent and Trademark Office erroneously interpreted this Preliminary Amendment as an Option II response, despite the fact that there was no indication that Applicants intended to do so, and Applicants did not fulfill the requirements for Option II; a copy of the Notice and a Petition were not sent with the Preliminary Amendment.

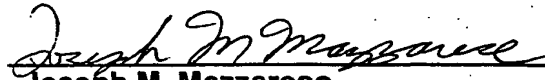
Applicants have always wanted and intended that the application be accorded a filing date of February 12, 2002.

In view of the foregoing facts, it is clear that the US Patent and Trademark Office misconstrued the effect of the Preliminary Amendment and improperly changed the filing date of the application from February 12, 2002 to May 8, 2002. Applicants respectfully petition the Commissioner to change the filing date back to February 12, 2002.

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Please charge the \$130 petition fee, and any other fee due herewith, to Deposit
Account No. 01-1425.

Respectfully submitted,



Joseph M. Mazzaresse
Attorney for Applicants
Reg. No. 32,803

Wyeth
Patent Law Department
Five Giralda Farms
Madison, NJ 07940
Tel. No. (973) 660-9657

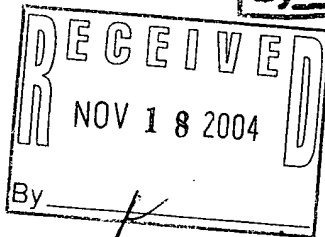
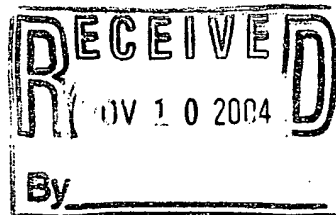
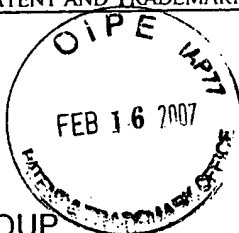
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UNITED STATES PATENT AND TRADEMARK OFFICE

CC: CAMBRIDGE

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NOV 08 2004

OFFICE OF PETITIONS

ON PETITION

GI5324-CI
MSA
WYETH
PATENT LAW GROUP
5 GIRALDA FARMS
MADISON NJ 07940

In re Application of
Jasbir S. Seerha et al.
Application No. 10/075,079
Filed: February 12, 2002
Attorney Docket No. GI-5324 CI

This is a decision on the petition filed July 29, 2004¹ to correct the filing date to February 12, 2002 rather than the presently accorded filing date of May 8, 2002, which is treated under 37 CFR 1.53.

On February 12, 2002, applicant filed the above-identified application. However, on April 23, 2002, the Office of Initial Patent Examination mailed a "Notice of Omitted Items" stating that a filing date had been assigned but indicated that page 220 of the specification appeared to have been Omitted.

The mailing of a "Notice of Omitted Items" permits the applicant to either: (1) promptly establish prior receipt in the PTO of the omitted item at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted item in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the omitted item was in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted item in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted item with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such item and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the "Notice of Omitted Items" (37 CFR 1.181(f)).

Finally, the third option is in the absence of electing options 1) or 2) above, to constructively opt to accept the filing date which has been accorded with the papers filed upon application. With option 3), no petition under 37 CFR 1.182 is necessary for that purpose.

¹Petitioner has submitted proof that the petition was originally filed January 12, 2004.

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In this case, petitioners claim that by their inaction or their failure to submit page 220 of the specification with a petition under 37 CFR 1.182, they constructively opted to accept the February 12, 2002 without page 220 of the specification as part of the original disclosure.

A review of the file reveals that applicant neither admits nor denies that page 220 of the specification was present upon filing but on May 8, 2002 however, petitioners filed a preliminary amendment and a copy of page 220 of the specification.

Applicant's intentions with respect to the options available pursuant to the "Notice" were not clear and the filing of a copy of the omitted page may have confused the situation. However, since a petition under 37 CFR 1.182 was not filed and since an amendment was filed on May 8, 2002, it appears that applicant was constructively electing to have the application accepted as filed on February 12, 2002 without page 220 of the specification.

The Office of Initial Patent Examination will be notified to correct the filing date of the application to February 12, 2002 without page 220 of the specification as part of the original disclosure. In view of the fact that the issue fee has been paid and the application is ripe for issue, after a correction of the filing date, the application should be forwarded to the Publishing Division to be processed into a patent.

Any further concerns specific to this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

FEB 22 2007